№ 5
March 1998

The Right of Freedom

The Bulletin of the Human Rights Centre "Spring '96"



ARCHIPELAGO BELARUS

25 March was not a holiday of the Republic of Belarus for long. Actually it was celebrated by an official state ceremony only once - five years ago. There will be no celebration of the 80th anniversary of the birth of Belarus this year. This is because everything that is truly Belarusian is considered not national but nationalistic. This includes in the first place - the real, not falsified or refined history, everything that is connected to the white-red-white flag, the 700 year old coat of arms "Pagonia" the struggle for independence... Even mentioning independence here is becoming illegal. Only one thing is welcomed - praising friendship with Russia, stressing a unified history and future - in a unified country. Moreover the thoughts and desires of one person are presented as the will of the Belarusian people, the will of one person implemented through illegal and falsified referendums is presented as the decision of the people. And, on the contrary, any attempt to defend the Belarusian language or culture, history, native customs...-is called nationalism and if not punished then severely persecuted.

Belarusians, as a nation, have fallen into a tragic situation. Tragic also is the extent that it is absurd, unnatural and abnormal. The native ethnic group, is becoming a national minority in it's native land, while it is not a minority. At present the population in Belarus is 80% Belarusian, in the latest census (held during the communist regime) 80% of these Belarusians considered Belarusian as their native language. But there are no Belarusian schools in the capitol and major cities (in some places there are some classes in which Belarusian in the main language. This is discrimination against the native population or, to put it more clearly and cruelly - language and cultural genocide of a nation...

This is how it happens on the state level. On the real life level this discrimination is more cruel and ugly. Any shop assistant can insult anyone who speaks to them in Belarusian. The situation of the Russian language population in the Baltics cannot be compared with that of the Belarusians in Belarus who speak Belarusian. Moscow stands behind the "Russians" in the Baltics, defending their rights (the latest events in the Baltics confirmed this). Moreover, in our instance, Moscow is an interested party. And when Moscow keeps diplomatic silence, all kinds of visitors, russophiles-chauvanists not only welcome the strangling of everything Belarusian but help it.

The problem of Belarusian-speaking Belarusians is not that, as it may appear to some, there are few of them. The problem is in their dispersion, dissolubility (first of all in cities)

(Please see page 3)

CHRONICLE

On 27 February, **during the United Civil Party picket in defence of those arrested on political reasons, an official of the Ministry of Justice who came to check the picket demanded that the picketers remove the flag of the European Union on the grounds that it is not registered in the Ministry of Justice. The picketers refused to carry out this demand.**

On 4 March, **militia removed the (registered) flag of the Belarusian Popular Front from their headquarters in Grodno. The militia was probably scared by the white-red-white colours of this flag which remind them of the former state flag of Belarus which was replaced by the "Soviet" flag by president Lukashenka in 1995.**

On 23 March **the trial is set for graduate of Belarusian Polytechnical Academy, member of "Young Front" Vadzim Kabanchuk. He is accused of resisting arrest and participating in unauthorised meetings and other opposition actions in the spring of 1997.**

In March, **Belarusian Postal Service officials is demanding that people who send registered letters and packets from Belarus present their passport or show the contents of what they are sending. In this way they are violating the constitutional right of Belarusians to confidentiality in correspondence.**

THE SICK AND THE HELPLESS

IN JUST ONE OF THE HOSPITALS OF THE UKRAINE ARE 40 CITIZENS OF BELARUS, WHOM THEIR HOMELAND LEFT IN TROUBLE...

In recent years we have heard enough nice words about "a closer integration of Slavic people", of "mutually profitable co-operation" etceteras. There are meeting between presidents, premier ministers and simply ministers, agreements are signed, unions are created between Belarus and Russia, with Kazakhstan... But for all the "big" issues our leaders forget about the "small" but not less important problems. These problems touch upon the fate of real people. Here is one example...

Last year citizen of Belarus N (whose name is omitted by the editors for ethical reasons) took part in a scientific conference in the city of Sudak in Crimea. Before his trip he had an appointment with a psychiatrist in Minsk because he was experiencing tension and irritability in his relations with his colleagues. The doctor advised him not to be nervous and avoid stress. But N still went on his interesting (summer, the south) business trip.

On the second day the illness worsened he locked himself in the hotel room taking an adolescent neighbour as a hostage. He demanded his relatives be brought to Sudak. This was his only demand. Perhaps they could have avoided tragic consequences had they allowed him to talk to a psy-chiatrist. Special Forces were called in order to handle the "terrorist." They opened fire from machine guns in the room and then captured the "terrorist" and delivered him to the militia station. N was accused of international ter-rorism (now without quotation marks). According to Uk-rainian legislation, this article allows for up to 11 years of imprisonment.

After detaining N, prosecutors noticed that he did not react adequately to the situation. After examining him, the experts determined that schizophrenia of paranoial form and at the moment of his detention was in a trance- like state. Hence he cannot be tried and has the need to be treated in a special medical institution.

In spite of this, N was transported to an special isolation ward in Simpferopel where he was detained in a cell for five months together with twenty five prisoners. He did not receive any medical assistance.

Relatives of N asked for help at the Human Rights Centre "Spring '96." The representative of the centre informed the Belarusian Embassy in Ukraine and asked the consulate to become a defender of human rights of a citizen of it's country.

It is strange that neither the consul nor the ambassador knew anything about N's case. After engagement of Belarusian diplomats in this case, N was transported from Simpferopl isolation ward to Dnieprpetrovsk Republican Psychiatric Hospital. But he was not placed there immediately. For two weeks he was "living" in a train wagon for transport and slept on the floor covered with hay without any warm clothes while the weather was below zero. All of this happened because his papers did not get to the hospital in time.

The assistant to the senior doctor of the hospital informed that N's case was not the only of the kind. There are forty other Belarusians in that hospital.

The Ukrainian Ministry of Health asked their Belarusian colleagues to help solve the issue of transportation of citizens of Belarus back to Belarus but a positive answer was not received. The Ministry of Internal Affairs of Belarus, on its part, refuses to implement transportation of ill people, explaining this by the lack of legislative base. In September 1997 the parliament of Lukashenka should have reviewed the issue of returning of our citizens but this issue was not reviewed, perhaps because it was of secondary importance. The government has not got around to the problem of its citizens who have got in to difficult situations abroad. The only thing the sick, helpless and without rights have to do is to wait...

L. LUNYOVA

"THE VERY PRESENCE OF SCHUKIN - IS REASON FOR HIS ARREST..."

It seems that arrests of deputy and journalist Valery Schukin in the presence of many people has already become a necessary ritual of Minsk Militia Special Forces. On 10 March, in Lenin District Court there was a second hearing of the latest case of this "rebellious" communist. V. Schukin is one of the communists who has not and does not accept Lukashenka's policies. His case started with the events by the Minsk Regional Courthouse on 24 February where V. Schukin was drawn into a paddy wagon by seven or eight members of the Militia Special Forces while he was interviewing adolescent political prisoner Vadzim Labkovich. A few minutes before the arrest of Schukin he dared to express his concern about militia actions who received an order to drive people away from the courthouse.

Schukin is charged with violating two articles of the Administrative Code: "Participation in unauthorised meeting" and "Not submitting to militiamen." After his arrest in February, the court hearings were postponed for two reasons: firstly, the accused announced his intention to provide a witness to the incident, secondly the judges were shocked by the mottoes "No dictatorship" and "Put Lukashenka behind bars" with which he signed the protocol of his arrest.

This time at the hearing which was lead by the main judge Alena Tserashkova many journalists were allowed to be present (though the majority of journalists did not get in). The court heard three witnesses, in Schukin's defence: these people had been standing next to him at the time of his "capture" and were waiting to meet political prisoner V. Labkovich. According to their words, the court learned that the detention of this participant in the meeting looked like an attack by several young men on one old man. Even traffic stopped for a few minutes when Schukin was drawn in the direction of the paddy wagon...

There were also militiamen witnesses. Member of Militia Special Forces V. Naliuka claimed that he was only fulfilling the order to detain V. Schukin given to him by superiors. The deputy to the head of Lenin Regional Militia Station Captain G. Miklush expressed his opinion that the very presence of Schukin is reason for his arrest. By the way, it is exactly Captain Miklush who announced on 24 February on the megaphone that that gathering was a "meeting." That is why during the court hearings there were disputes over whether or not that gathering should be considered a meeting. According to the Captain, "any gathering of people who are discussing anything" is considered a meeting - even if they are discussing "whether there is life on Mars'...



"Unauthorized proces-sion" before the court building

The hearing, however, was put off because there was not any final decision by the judges: the following act of tragedy "Schukin and the Militia" was postponed till 18 March because one of the militia's witnesses did not appear in court.

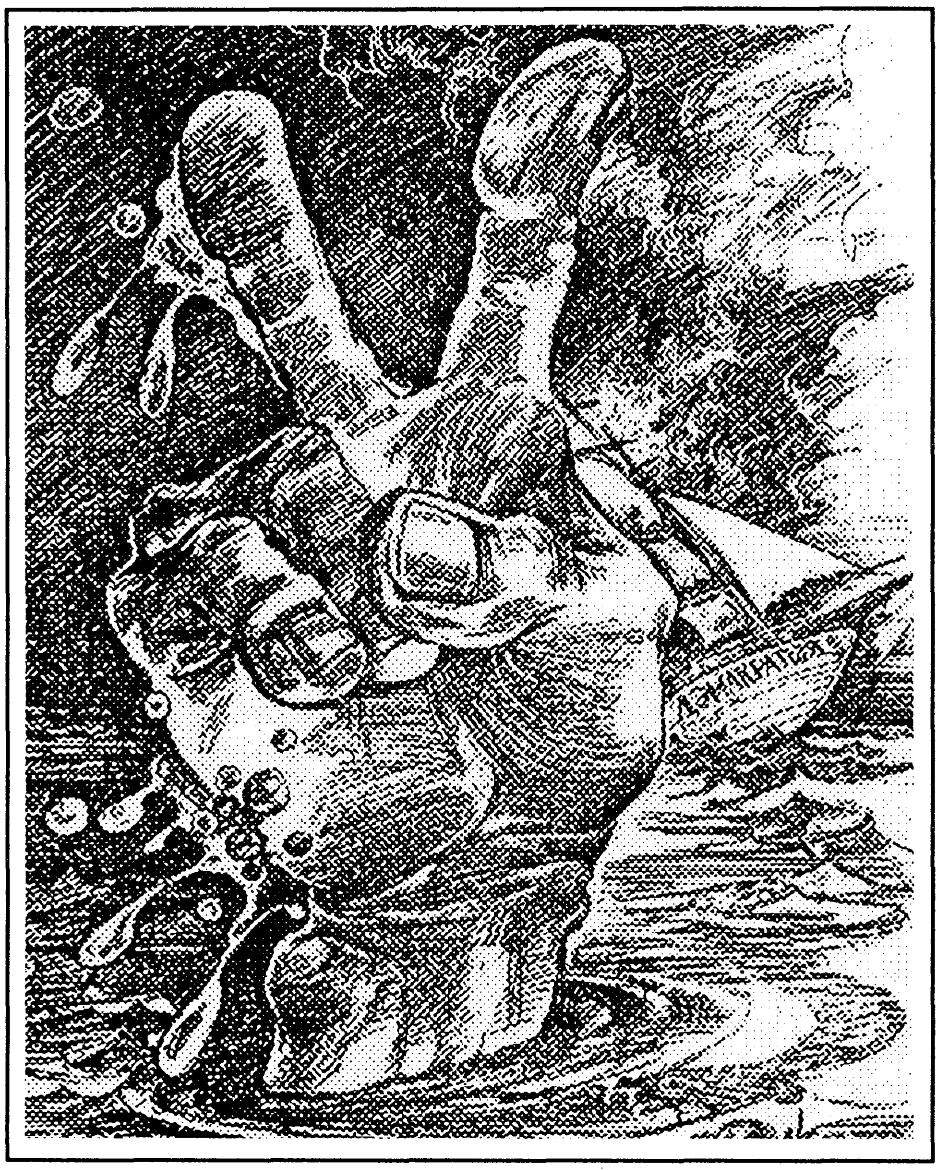
There is still no answer to Schukin's complaint about the militia's actions against him, which he submitted to the prosecutor's office. "The most expensive" communist of Belarus has had 13 hearings in court and it has already cost him almost 78.5 million Belarusian roubles (more than two thousand dollars US) and several detentions...

Jana ZHDANOVICH

THE DIFFICULT WAY TO EUROPE

THE OFFICIAL MISSION OF OSCE IS OPENED IN MINSK

The beginning of the activity of the group of observers of OSCE in Belarus almost coincided with the sentencing of Shydlovsky and Labkovich and the coming of another spring. The ceremonial opening of the headquarters of consultation-observation group of OSCE took place in the International Education Centre (IBB) in Minsk 27 February.



In connection with this event, the current chair if OSCE - Minister of Foreign Affairs of Poland Branislav Geremek made an one day visit to the Belarusian capital. A representative delegation visited Minsk along with Mr. Geremek. Members of this delegation included several high-ranking officials: General Secretary of OSCE Jean-Carlo Aragona, Director of the Bureau on Democratic Institutions and Human Rights Gerare Shtudmak, representative of the leadership of OSCE from last year and next year from Denmark and Norway. But the meeting of the delegation with the president did not occur. Contact with officials in Minsk was limited to negotiations between leadership of OSCE and Minister of Foreign Affairs Ivan Antanovich and Premier Minister Siargey Ling.

Even during the ceremonial opening of the office of the observer group, behind the smiles of Belarusian officials and veiled diplomatic rhetoric, there was obviously something that both sides preferred not to mention: about complexities which during recent months were connected with the coming of the mission as a permanent international body in Belarus. As it is know, the initiative of creating such a mission came from the west which caused dissatisfaction of Belarusian authorities in spite of their declared desire to integrate into Europe. The serious scandal occurred in the beginning of February and resulted in postponing of the visit of Branislav Geremek and accusing Poland of preparing together with Belarusian opposition of a coup in Belarus. In those days the official mass media, which is under the power of president Lukashenka published an interview with the head of the Belarusian KGB U. Matskevich in which he claimed that Polish intelligence services have been acting for several years against it's eastern neighbour, provoking citizens of Belarus to espionage and treason.

After such announcements the members of the OSCE mission which had already arrived in Minsk for a certain period of time were in an uncertain position. For example, when someone tried to tell observers about what was going on by the courthouse during the court hearings on cases of Shydlousky and Labkovich, the Europeans pointed out limits of their functions at that time and their half-diplomatic status. At that time it was not clear whether the office would be opened officially because this question was under "discussion" until the last day the mission was in Minsk.

It seems that an agreement was reached. While giving the interview to journalists on the day of the mission opening B. Geremek and I. Antanovich expressed their intentions to co-operate productively in order to assist Belarus to join the common European house. Many words were said about democratic values of that house. Representatives of OSCE claimed that they were not going to interfere with internal affairs of Belarus and the head of Belarusian Foreign Ministry stressed that he fulfilled the will and policy of president Lukashenka and pointed out that the very fact of opening the mission of OSCE in Minsk illustrated a favourable attitude to it of the Belarusian authorities. According to Mr. Antanovich the observers from Europe will be able to convince them for themselves that Belarus has no problems with human rights and concerning the political prisoners, the minister claimed that there were none in Belarus...

In this manner the mission starts its job in a difficult situation. It looks like Belarusian authorities "made a hint in advance" about possible interpretation of meetings, contacts with representatives of the opposition and as if proposed a compromise that was profitable to the regime in their estimates of events in Belarus and the general situation.

No substantial work was undertaken in the first week after the opening of the office in Minsk. At that time B. Geremek while talking to journalists about his trip to Belarus, pointed out that he and his colleagues did not meet with the president of Belarus intentionally for the reason that it is known that all democratic states share a sceptical attitude towards Lukashenka with whom had met only dictators of Asian countries and some other countries (Yugoslavia and Cuba). This announcement has almost coincided with the statement of president Lukashenka during his visit to Grodno for his agricultural meeting when he called the presence of the OSCE observers in Belarus absurd saying that "Belarus was also a founder of that organisation" and those officials of OSCE "were hired by Belarus." The president also stated his dissatisfaction with the analogy made in connection with the work of observers, between Belarus and "hot spots" - such as Chechnya. It seems logical: officials do not want to acknowledge several facts of violating elementary human rights.

Staff Correspondent

ARCHIPELAGO BELARUS

(Continued from page 1)

among Russian speakers and "trasyanka speaking people" (those who, like the president, speak in a mixture of Belarusian and Russian languages). According to various calculations, today there about four to five million Belarusian speaking Belarusians which is by any measure not a few. But Belarusian speaking Belarusians are spread out like islands in a sea.

This is why Belarusian philosopher Valiantin Akudovich metaphorically called today's "real" Belarus an archipelago. (By the way, the coincidence with Solzhenytsin's "Archipelago" doe not seem to be by chance...) And in that separateness is our weakness...

There was a similar situation 80 years ago when the creation of the Belarusian People's Republic was declared in Minsk. But this could go on endlessly. The sea over time swallows up the islands. The archipelago disappears... Any attempt by Belarusians to fight for their rights, for the right, as Yanka Kupala wrote "to call ourselves people", is crushed by state powers. Before it was the tsar's then the communists' and now the Lukashenka "vertical".

Therefore it is not strange that everything Belarusian is opposition. And therefore this year the 25 March will not be celebrated as a state holiday but as a holiday for those who consider Independence and Freedom of utmost value.

Andrei NALIVA

Nadzeya Dudarava is no longer a lawyer.
It is difficult to imagine... This has happened twice, officially and by the will of the Belarusian Ministry of Justice.

In August, 1997 under the order of the Minister of Justice, she was suspended from taking part in criminal proceedings. After the court hearings of cases of five members of the demonstration "Minsk Spring '97" Dudarava received many letters from the Ministry of Justice with demands to present herself. (There was no explanation). The recent cases of two "Yong Front" had scarcely finished when Dudarava, their public attorney, received an urgent telegram from the Ministry of Justice... Dudarava refused to take part in a meeting of the qualification committee ("disqualification"?), because for her, an independent lawyer, that would have meant to accept submitting to the regime.

The answer to my question to the Ministry of Justice - why was Dudarava called there, the institution's official V. A. Bareisha rudely hung up on me. Nadzeya Barysauna was told in short that she was being disbarred for violating lawyers' etiquette. Bareisha did not explain further, saying that she had no time to discuss it. It is not know when exactly the order was signed about "liquidation of the status of defender"... In the meantime all she is "guilty" of is her independence from the Belarusian system of justice and maintaining that all state courts depended on president Lukashenka. It seems that right after the court hearings Aliaxei Shydlousky and Vadzim Labkovich, the state is trying once more to remind their independent defender of it's attitude to the facts and principles.

Our conversation with Nadzeya Dudarava started with reminiscing about recent processing of political prisoners...

Justice and Dictatorship are Incompatible

- Nadzeya Barysauna, how would you comment on the results of the judicial proceedings of Shydlousky and Labkovich?

- The court's sentence is simply absurd! In other countries, courts declare such long sentences only given more serious violations. The verdict was based on the testimony of three witnesses. But in fact (even the very court proved) the testimony of two witnesses was based on the words of the third witness - Iljutian. According to the verdict, Iljutian claimed that on the night of the August 3, 1997 while passing by the building of Stouptsy Region Library in his car together with another witness Shendzyk, when his headlights lit up the building he noticed that a few people were writing something on the wall - we stress here something - using red spray paint and among them the witness recognised Shydlousky who was writing on the wall of the library. That is all. The rest of the testimony is based on that version... If Iljutian saw people writing "something" but did not see what exactly, how can the court in its verdict name exact words written on the wall - referring to the testimony of Iljutian?

The court confirmed a complete absurdity: it referred to testimony of witness Shendyk whose testimony was based on the words of Iljutian and herein the court pointed out that while Shendzyk's car was passing by the library he had not seen anyone. The court explains this by the subjective perceptions and poor eyesight of Shendzyk. In this way witness could not have testified some facts on which the sentence was based. How can such a verdict be called? Only illegal.

There is nothing to be said of this verdict about honour and dignity whatsoever. The judge must hand down a verdict based primarily on his own convictions such as honour, conscience, dignity of the citizen, taking into account the situation in society. I have two assumptions on this matter: either those who handed down the verdict was afraid of someone or they "knew" the verdict beforehand. I do not want to believe in the latter assumption because a judge with such life experience could not have not understood what kind of verdict he was handing down.

- And what can you say about evidence presented by prosecutors such as photographs of writing on a wall?

- It is not mentioned in the verdict whether the witnesses had seen Shydlousky and Labkovich making those writings on the wall, including those uncensored words which were allegedly written by them. The accused categorically denied having written those words and the judge did not present any proof whatsoever. Only the content of the writings and the place where they were photographed are determined. This is not a grounds for passing a sentence - it is illegal. In such a way, any person can be sentenced without proof. This is not intolerable! What can be said here about justice?

- The fact that the trial began three weeks after the incident and during that time the spray paint cans were in the possession of witness Iljutian should have aroused suspicion...

- And in general one does not have to have to be a rocket scientist in order to understand what sort of writings are found today on the walls of Belarus. When you drive through Minsk on any road, through any cities of Belarus as well you can see a lot of freshly painted walls. Those had contained writings of people's attitudes to the president and the presidential administration. People do not agree with their politicians, with the current standard of living in Belarus. They hate the current regime. You can see and photograph such writings in all public places, even in toilets. They had taken photographs but where is the guarantee that they had not written that themselves, that it was not done intentionally to create a precedent and make on example of these young men to show the rest of the people what can happen to them if they would dare to do the same? If there was some "special order" it was fulfilled 100%.



- I remember the surprise of the international observers at the length of time Shydlousky and Labkovich were held in jail before the trial. It is interesting that the members of the militia special forces present at the court hearings were trying to persuade me that "graffiti" is punished in the west as well. Are our guards of order uneducated?

- The prosecutor took six months to hear three witnesses, two of whom were absolutely "useless" - they did not prove anything. This is a violation! And when it became absolutely obvious, representatives of Human Rights Watch, British and American Embassies (they were present at the court hearings) were shocked. This case should have taken no more than 10-15 days. By doing this the militiamen who were running the investigation violated norms of international law signed by Belarus. According to this, such cases must be considered in the shortest possible period.

I solicited the judges to make private determination about actions of the structures of preliminary investigations, which detained the young men in isolation ward for a long period of time but the court did not react and even pretended that my petition "did not exist at all"!

The court reacted similarly when I tried to point out an analogical situation in the past in which member of the presidential administration, Mr. Titiankou, actually tore the old national flag of Belarus. It is interesting that at that time the head prosecutor of the Republic of Belarus answered that Titiankou's action "was nothing but utilising of the flag". This is real blasphemy! How is it possible to "utilise" the flag in such a way in front of everybody and show it on television? How can it be possible to praise Hitler (as the president did) and not to be punished?

- During his recent trip to Grodno president Lukashenka stood up for the memorials to Lenin and Dziarzhinsky and said that the conviction of the young patriots was just. "Now our country is surrounded by enemies like in 1941, the people ask me to lead them in Stalin's style..." I am citing what I myself heard. In fact, during the court hearings of the case of Shydlousky and Labkovich they were accused of "breaking society apart"... Where is the logic?

- During the prosecution proceedings and in the time of the court hearings one question was asked many times: What was the aim of those young men in carrying out such an action. Both Labkovich and Shydlousky responded that by doing this, they expressed their protest against the policy of president Lukashenka. And the court stressed that in the verdict. But the court did not discuss this motive, because such a motive is not that of hooligans. In this way the case was fabricated.

In the end, the verdict is handed down not only by the court but by the society as well. We see the reaction of society, including the reaction of Russian society as shown on Russian television stations and the reaction is opposite to the court verdict, which was not supported in society. Even Belarusian television has not determined its position on the verdict. I may explain this only by fear that the position of the Belarusian television would bring a burst of indignation over this verdict. Remember the several thousand signatures in support of prisoners, opinions of international organisations - but the court pretended these did not exist.

- Is it that the court put itself in opposition to society?

- Yes. The very fact that the pupils of the same form of Vadzim Labkovich picketed a building of the regional court for several days but they were not allowed to enter, says a lot about their attitude of their comrade.

- What the reaction to the court verdict and proceeding in the rest o the world?

- A journalist from the USA came to Minsk from the newspaper "New York Times." His questions were answered by myself, Vadzim and his mother. I know that the newspaper "Washington Post" printed an article on the subject. Other world known mass media members showed an interest. I mean the article in the Parisian "Le monde". This is what is written in it by journalists about our country: "Belarus lives under the fist of Lukashenka, who was given power in a referendum." The fate of Andrei Klimau is also touched upon - it is noted that in Belarus there is persecution of entrepreneurs, who create many jobs and opportunities for people to earn more...

- ...And agree with the views of the members of the opposition.

- Yes, both Andrei Klimau and Aliaxandar Pupeika. The desire of the regime to arrest them is understandable... And another quote from the newspaper "Le monde": at the recent opening of the mission of OSCE in Minsk, Belarusian minister of Foreign Relations announced, that there were no political prisoners in the country... I can witness to the fact that that is not true, because I am handling cases of these prisoners.

- What is your estimate of the number of people who have experienced political repression in Belarus?

- The number comes to two thousand people. Those people were punished for thinking differently, for their different ways and attempts to express their views openly. Even if there was no other way of expression than through graffiti on the walls. As soon as they tried to use their right of choice, right to gather in meetings, freedom of speech - they are arrested immediately and are accused of criminal actions. Even though it is a struggle for the right to be a free human being. There are different punishments - this is imprisonment from a few days to a few years, huge fines, expelling from universities, dismissing from work.

- The lawyers of Shydlousky and Labkovich are appealing to the Supreme Court. What will happen next?

- Taking into account the experience of the former political processes, I doubt that the decision of the court will be overturned. Perhaps one of the judges will express a separate opinion as it was in the case of Lys'ko, the case of Kiyko, the case of Bondarau (on those cases, we are still waiting for the response of the Chair of the Supreme Court V. Sukala). In order to make a right decision in such a case, you have to at least have your own civil position... Many examples show us that neither courts nor prosecutors nor militia nor lawyers these days have the possibility to speak the truth. Fear is hanging over the people of these professions like an executioner's sword and make them take actions that they do not agree with, otherwise it is possible that they would be dismissed from their jobs, leaving their families without means to survive. I will say more, it is difficult to believe that those people will be dismissed by "their own resignation" if they will express their disagreement with the policy of the president and it is difficult to believe that they will find future employment in their profession...Those who control the fate of other people today depend to a great extent on power structures in order to judge people according to the law but not an order from above...

Interviewer
Tatyana SNITKA

Investigation is Over, Trial Will Soon be Underway

On 23 March, the trial of the activist of "Youth Front" Vadzim Kabanchuk who has already been behind bars for five months.

Vadzim is accused of active resistance to militiamen during the action of the opposition last spring. He is charged with articles 186 and 187 of the Criminal Law of Republic of Belarus (active participation in unauthorised events), the sentence for which is up to five years imprisonment. After the cruel verdict in the trials of Shydlousky and Labkovich there is little possibility that Vadzim Kabanchuk will be found not guilty.

Vadzim Kabanchuk's lawyer, Tatyana Stankevich (by the way, she defended Shydlousky) several times solicited for prosecutors asking for release on conditions of not leaving the city given that his health started to deteriorate, heart problems etc., because of his stay in the preliminary ward on "Valadarka". But the prosecutor of Moscow District of Minsk, Yury Schpak, who is in charge of this case, reckons that Vadzim should not be released because he might escape punishment...

As we see, prosecutors needed five months in order to fabricate the case of Kabanchuk (who graduated last year from Belarusian Polytechnical Academy), choosing the appropriate articles. Repri-sals of active participants of political actions of the opposition continue.

Help the Students

In September of 1997 in Canada a fund was established in memory of Belarusian emigrant poet Natalia Arsenyeva. The founder has become the executive committee of co-ordination committee of Belarusians living in Canada. The fund intends to give financial aid to students who were expelled from Universities by the Belarusian authorities for their participation at demonstrations and meetings, their different way of thinking, for their "being Belarusian."

Raisa Zhuk-Gryshkevich, Ivonka Survila and Galina Rusak became members of the fund's management. Money has already been donated to the fund from the Belarusians of North America, Australia, Great Britain and Russia in American and Canadian dollars)...

Against their Will on the Day of Will

Last year, during the celebration of the anniversary of the creation of the Belarusian People's Republic, militiamen and members of the special forces provoked trouble, but five simple Belarusian citizens were held responsible...

Preface

The events we are coming back to took place almost one year ago during the celebration by opposition members of the creation of the Belarusian People's Republic. On 23 March, 1997 a demonstration marched through the city of Minsk from Independence Square to Jacob Kolas Square where a meeting took place. The meeting was sanctioned by the authorities, but the march was not. But people gathered at Independence Square and proceeded along the sidewalks, crossing at green lights towards Jacob Kolas Square. (By the way, the disciplined behaviour of Minsk opposition members during its actions takes all foreign observers, including those from Russia, by surprise). It was clear from the beginning that there was too high of a concentration of militiamen in the centre of the city and that they were behaving too aggressively.

The first collisions between demonstrators and militiamen took place near the main Post Office near the underground pedestrian walkway on Independence Square. But this settled down and people continued to move in the direction of Jacub Kolas Square and we stress here - without creating any obstacle to traffic. Approximately 3,000 to 5,000 people took part ion the demonstration. Militia began to use a megaphone to try to persuade people to disperse saying that the march was illegal and unauthorised. But people continued on their way towards the square in a disciplined, calm manner. It should be mentioned that this was one of the first opposition actions after the president signed the notorious decree number 5 which was later declared unconstitutional. Given that militia forces had suddenly received the "lawful" right to catch people on the streets and they were eager to test it - this was an opportunity: according to decree N 5 the march could be qualified as unauthorised and therefore illegal... In the meantime people were moving along Skaryna Avenue without creating obstacles to traffic or pedestrians. Militiamen were staying along the road all the way and did not allow anyone to approach the road. Nevertheless, there were just a few cars on the prospect - this was more than likely because the militiamen had stopped traffic. There were just some busses on to he road with cameramen taping the people moving along Skaryna Avenue and some militia buses with militiamen in them, plus a few trolleybuses...

Everything could have ended peacefully if... if the militiamen had not started rushing towards the demonstrators and taking them into militia buses. It is natural that the demonstrators started to protect their friends and fellow participants and free some demonstrators from the hands of the militiamen. Passers-by headed in the direction of the confrontation provoked by the militia and cries of "Shame! Shame!" were heard. The movement of the columns stopped and shoving and chaos broke out. Militiamen continued to "apply" their clubs without paying any attention to women or old men. Cameramen from the militia were taping the whole demonstration and especially spots of spontaneous confrontations between demonstrators and "guards of order."

Demonstrators were not prepared for such actions from the side of the militia but quickly pulled themselves together and took each other by the arms in order not to allow militiamen to draw people from the crowd and take them into the militia bus... When demonstrator approached Kastrychnickaya Square militiamen had already surrounded them and the march was continued in such a corridor made of militiamen. Even if someone would have liked to get to the road, he would not have managed. Militia continued to rush at the crowd and several more confrontations between demonstrators and militiamen took place, given that participants of the demonstration were only protecting themselves and their friends from the capture by militiamen. Confrontations also happened at Victory Square, by the building of the "Viacherny Minsk" building and especially severe at Jacob Kolas Square by the cafe "Na rostanyakh" (perhaps the plan of capture had not yet been fulfilled by militiamen...)

Arrests continued later that same day after the meeting - in courtyards, stations, underground pedestrian walkways... The majority of those arrested on 23 March, 1997 were fined or spent three or more days in jail. However, arrests continued even after the events of 23 March, 1997...

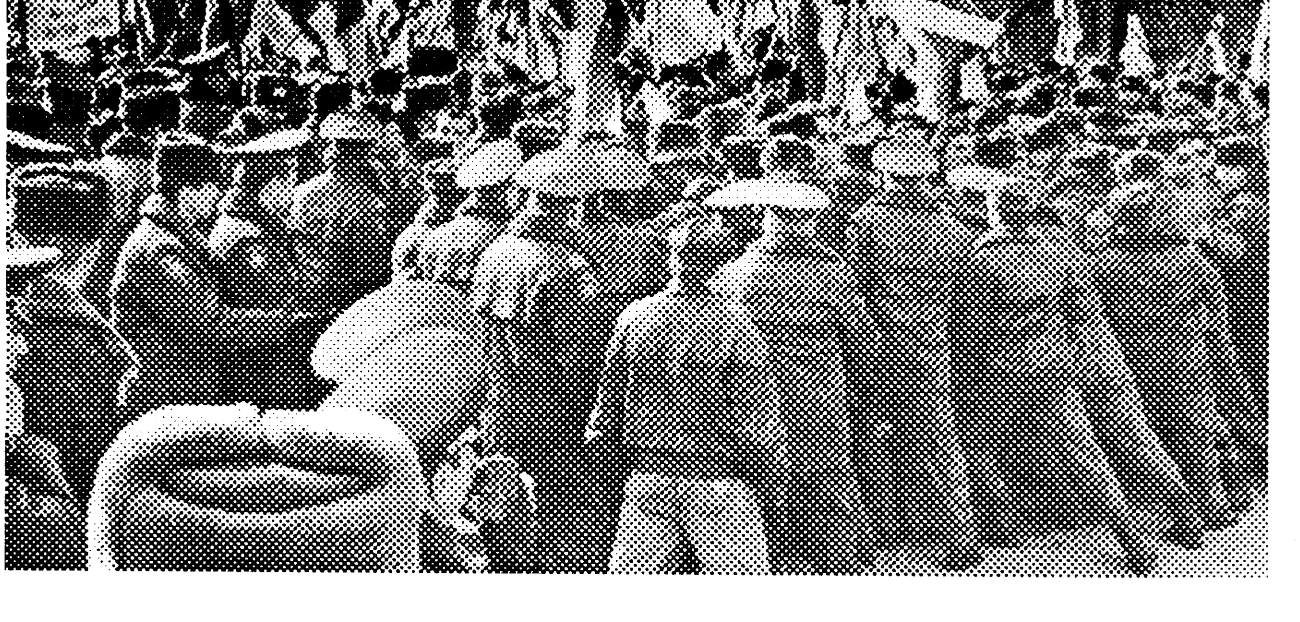
History

Cameramen from the militia had not spent their time during the march in vain. Their materials were used for the arrests and later prosecution procedures of five participants of the march: Rygor Kijko, Uladzimir Lys'ko, Aliaxandar Bondarau, Aliaxei Kavaliou and Anatol Sarokin. They were charged with the articles 186^3 and 187^1 part 2, criminal law of the Republic of Belarus. And also they were charged with "active participation" in group actions, violating civil law and order and not submitting to lawful demands by authorities which caused disruption of "public transportation."

Taking into account that all five demonstrators were accused of the same thing and the militia's treatment of each of them was approximately equal, we will tell you how things developed further with the example of ceramic-painter Rygor Kijko. On 23 March he took part in the march and the confrontation between militia members and demonstrators by the cafe "Na rostanyakh." About what happened later, R. Kijko told representatives of human rights protection centre "Vesnia '96" :

- After the demonstration I was detained by people wearing civilian clothing in one of the courtyards near Jacob Kolas Square.

The people treated me with rubber clubs until I almost lost my conscience and then transported me to the militia





department of October region of the city. I was detained there for 8 hours until they drew up a statement of the case and let me free on condition that I will come back next morning. On 24 March Court of October region of the city of Minsk handed down the verdict according to which I had to pay 650 000 Belarusian ruble fine for taking part in an unauthorized demonstration. It is interesting that the two militiamen who appeared at the court hearings as witnesses (Pavel Gancharou and Siargei Melnichenka) did not deny that they had been hitting me with rubber clubs in time of the detainment.

A few days later on 1 April, I was captured by four men near by my house, taken into a red car and transported to the Department for Fighting with Organized Crime. Senior lieutenant declared that criminal proceedings had been instituted against me. Then I was taking to a ward and stayed there for three days and then I was transported to preliminary ward on Valadarka (prison on Valadarskaja St.).

I was kept in preliminary ward for three months and during this time investigation allegedly had been continuing. Conditions of people staying in the preliminary ward were just awful. In the ward (20 square meters) there were 25 people and only 10 beds so they slept in turn. There was not any medical assistance at all and the temperature was stable - about 25-30 degrees and had never been ventilated. During my stay there a detainee - Igar Raparovich, arrested for not making alimony payments, died. That is why staying in prison cell is considered a paradise in comparison to preliminary ward.

In three months I was charged with attacking a militiaman with a flagstaff (allegedly I hit him five times)... This is not true, because I did not come closer than 2-3 metres to a militiaman - I did raise a flagstaff from the pavement (someone had dropped it) and had been swaying it. After the official accusation in court, I was released on condition that I not leave the city..

In criminal cases, particularly in the case of R. Kijko, it is stated in the verdict that "being an active participant of unauthorized meetings, and actions together with other participants including Lys'ko, Bondarau, Kaval, Sarokin and other unidentified people did not submit to the lawful demands of militiamen and other officials to end the unauthorized march... and acted aggressively, shouted, offended militiamen, continued the march with the group of demonstrators several times walked out onto the road and preventing movement of public transportation... During the incident which erupted between the militiamen and demonstrators while detaining active participants of the march a group of people including Kijko attacked militiamen and he personally hit a militiaman (M. A. Bukhavets), who was preventing unlawful actions, in the head and other parts of the body five times with a flagstaff, causing injuries..."

Investigations of the others four participants of the march and meeting accused of not submitting to militia requests were conducted differently. Aliaxei Kaval and Aliaxandar Bondarau also spent two months in preliminary ward in the same conditions as R. Kijko. Several times militiamen tried to arrest Anatol Sarokin but he managed to escape arrest: one time he was on a business trip and the other time he was ill and staying in the hospital. Searches were made in the apartments of R. Kijko and A. Bondarau. Militiamen did not find anything in R. Kijko's apartment but from A. Bondarau's apartment they confiscated one coat and three knitted hats for evidence (he had been wearing one of this type during the march, according to the videotape). By the way, the tape of those events on which the accused were recognized had become a major piece of evidence against them. The injured militiaman and members of militia Special Forces (M. A. Bukhovets, V. R. Prykhodzka, M. I. Karpeko, V. V. Kaspiarovich, A. M. Liasyukou, Y. Y. Schtein) appeared as witnesses during the court hearings.

All five participants of the march were charged with breaching articles 187^{1} part 2, of criminal law of the Republic of Belarus. All of them pleaded not guilty and all maintained that the main creators of the disorder which took place on that day were the militiamen who provoked demonstrations by their actions and also made them to protect themselves from inevitable arrest and beating. We think that the testimony of Anatol Sarokin deserves attention:

- Not far from the intersection of Skaryny Avenue and Kazlova Street, next to the sidewalk on which the demonstrators were marching, a militia jeep drove up and parked. A few militia special forces members in helmets jumped out. They rushed at the crowd and grabbed a few random people. At first people started shouting "Shame! Shame!" and then they rushed at the militia jeep. I have to admit that in that situation I was quite modest, even a bit timid: I stood aside and watched the proceedings. The thing is, I had already been taken into the militia station and even to the ward on 30 May, 1996 and 14 February 1997 and I had absolutely no desire to be sent there again... But then one of the militiamen "recognized" me, saying that I had grabbed him by the helmet during that very incident with the militia jeep. And a case was brought against me...

In this manner the march and meeting celebrating the 79th anni-versary of the creation of the Belarusian People's Republic ended in criminal investigations for five citizens. Without a doubt, they were chosen from the thousands of participants in these opposition events in order to demonstrate the process and frighten others. The investigation continued for nearly a year and a half. It is obvious that the gathered "evidence" and "violations" were not worthy of a huge case. But to let the demonstrators go free, after so many months of being held in the preliminary ward, as it turns out for nothing, officials did not have the courage. And on 18 September, 1997 the lead investigator of special cases of the Prosecutor's Office of the city of Minsk first class lawyer, V. A. Feschenka, submitted the case to court.

Afterword

On 14 November, 1997 in the city courthouse in Minsk court hearings took place on the cases of Rygor Kijko, Uladzimir Lys'ko, Aliaxei Kaval, Aliaxandar Bondarau, Anatol Sarokin. Rygor Kijko and Uladzimir Lys'ko were sentenced to two years of correctional work at state enterprises. Aliaxei Kaval, Aliaxandar Bondarau, and Anatol Sarokin received two years of correctional work at their place of work with 20% of their salaries being withheld.

Four months have passed since the verdicts were handed down. Rygor Kijko is already working in Barysau region. Uladzimir Lys'ko is working in Gomel. Twenty percent of the salaries of Aliaxandar Bondarau and Anatol Sarokin are being withheld and Aliaxei Kaval had to leave the country and ask for political asylum in Czech Republic...

The day 21 March is soon approaching and it will be another anniversary - this year it will be 80 years since the foundation of the Belarusian People's Republic. The Opposition is preparing to celebrate the day of will in a worthy manner...

Photos: Members of Militia Special Forces doing their "job"...

From the Inside of the "Valadarka"

Halting Place

People say that a human being can get accustomed to anything. And this is true when you stay inside of the dirty, damp walls of the "waiting ward." Little by little one stops worrying and calmly reacts to the animal-like glances of the militia and their absurd remarks. And after a while one's stomach starts to accept the tasteless, nasty even to look at food. But regardless everyone in their subconscience is awaiting the halting place. Here the length of a person's sentence makes no difference: a year in the colony or ten years hard labour. And if the jail is not the most pleasant stage of the process, everyone is stretching to catch a glimpse of sunlight, to meet new people.

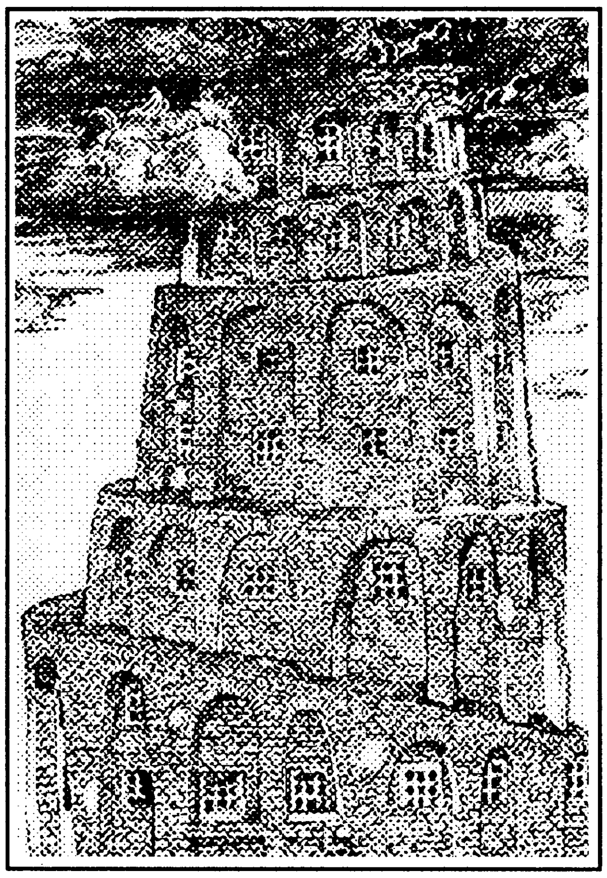
A horoscope hung on the wall of our cell and every day each person looked at it with the hope that the heavens would show the day that they would leave these walls. It is impossible to learn this from other sources.

Preparation for the halting place takes place ahead of time. Usually it happens unexpectedly and one is given a coupe of minutes to gather one's things. Each person puts together a "keshar" (a sack full of things for this purpose), writes down the addresses and telephone numbers of acquaintances, sets aside clean clothes (if they exist). The principle of the first impression is actual even in prison. From your appearances one can assume what sort of "support" you get from the outside.

Strange as it may seem, 24 February, 1997 my horoscope foretold "good news." Approximately in the second half of the day the window banged and the militiaman abruptly called my name and added: "Get your things and let's go." I quickly gathered all of my possessions and shook hands with everyone in the cell except the rapist who sat in their own corner and pitifully watched the actions of the rest of the people in the "house". I grabbed my "keshar" and prison things and turning my face to the wall and exited into the corridor. Something similar was happening in neighbouring cells: one or two people exited into the corridor and stood against the wall.

Before they put us in cells, they checked our things once again. This time, generally, they were searching for letters and notes. It seems that they were very afraid of getting any information through the prison walls. It is annoying that while looking for letters or notes, normally militiamen can take anything (clothing etc.) that they like with a simple explanation - it is not allowed. They took from me a gift that an acquaintance from a neighbouring cell had given me - a cigarette holder made from a toothpaste tube, a small rod and masterfully wound together with the thread from a sock.

In the cell I was pushed into, two men were already lying on bunks. One of them was there for short periods of time doing correctional work and through him I was able to pass messages to my friends on the outside. The second man had been



beaten heavily before my arrival and as a result had difficulty breathing. In a certain period of time the second one was thrown out of the cell and I have no idea what happened to him.

It was cold in the cell and there were no glass panes in the window and snow came into the cell But this little cell was being filled by newcomers. By evening there were so many people in the cell that we could lay on the beds only on our sides and most of the people were there tem-porarily while doing correctional work. One of my cellmates was sentenced to two years of imprisonment. He was taken here directly from the hospital where he had spent the previous week although he was not yet healthy. He was sentenced for the first time and had no idea what sort of place was a cell. Before dinner two more prisoners who were on their way to the place of imprisonment (so called transit prisoners) were put in our cell. I had the opportunity to attend a prison sauna where I caught a chill in my ear and it was bothering me tremendously for another two weeks .

At daybreak we decided to make a very strong tea (in prison it is called "chief") but the electricity was off and we had to wrap around our mug with piece of clothe and then we set a fire to it. As a result the whole room was filled with smoke while we managed to make just a couple gulps of "chief". In the evening they put us into the other cell and, after a certain period of time loaded us into a van with several compartments inside. All of a sudden I found myself behind the metal door in complete darkness. Then we were fairly quickly transported to the railroad station to the addition line where the Stolypin station wagon was standing. From the appearance, the wagon was similar to a cargo wagon with two barred windows and inside was divided into cells.

Inside of the wagon on both sides, militiamen were standing with machine guns and police dogs. It was impossible for us to look around. We all were sitting on our haunches with our hands behind our backs and were allowed to look only at the back of the head of the person on sitting his haunches in front of us. I had seen something similar in the films about the World War 2 when fascists were transporting Soviet prisoners of war.

-The head of the convoy, who was walking up and down the wagon, was constantly telling us: "A step to the right or step to the left will be considered as an attempt to escape and we will shoot you." Perhaps it is only in Soviet films where Soviet prisoners of war were trying to escape and flung themselves onto the machine guns of German soldiers caught unawares. Freezing to death, I was sitting ankle-deep in water. Only one man from the whole bunch of us was standing up and that was an old man on crutches. His hands were frozen numb and from time to time he holding his bag between his teeth. Across from me there was a man sitting hunched over and wearing only a sweater. It was hard to look at him, with only a sweater on and snow falling on his shoulders. More than likely militia had arresting him in the summertime but the investigation were probably continuing for so long that the winter was soon drawing to a close.

The process of loading us into the wagon was quick and efficient. They convoyed us into the wagon one by one until all the cells were filled. I was ordered by the head of the convoy to help my neighbour to get into the wagon because he could not manage to get through the door. Later when our eyes became accustomed to the darkness and everybody began to look for a place to sit, I understood that my neighbour was blind and he was facing ten more years of hard time. When the train started to move they started to sort us according to the sentence. Many people changed places and there was chaos that continued all of the way to our destination. We moved very slowly and our wagon was disconnected many times in each of the towns where there was a prison or detention centre. Each time we waited a long time before continuing on our way ant that is why this route of the train is called "around the world". Thank goodness Belarus is an independent country and our Stolypin wagon does not cruise across the Russian territory.

During our "travels" we made a lot of acquaintances and spoke mostly about peculiarities of Belarusian prison camps. We also heard a lot of information about those who had been victims of homosexual rapists and about four militiamen who had recently been convicted and were travelling with us as well. You are lucky if you are travelling in the wintertime and your escorts are good men. But it is awful if you travel in the summertime and it hot and sunny and the escorts demonstrate their tough attitude and it is difficult to bear. When I got to the prison colony I heard many times that many people died during transportation to their places of imprisonment. By the end of the trip to the place of imprisonment I made acquaintance with a middle-aged man had done his first sentence in the prison colony. I asked him about such colonies and he said that it was possible to survive, it all depends on the person.

Our wagon stopped at the Gor'ky station.

Mikola KACHAN

(continuation from volumes 2 and 3)

(continuation to follow)

The Right of Freedom. The Bulletin of the Human Rights Centre "Spring '96". Address: 220007, Minsk, p/b 88. Published twice a month in Belarusian, English and Russian languages. Circulation 299 copies. Editor-in-Chief Ales BIALATSKY.

In this number pictures by A.Karpovich and photos from the Cenre "Spring '96" archives are used.